

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ERIC GALLOWAY, #390394

Case No. 2:07-cv-15242

Petitioner,

HONORABLE STEPHEN J. MURPHY, III

v.

NICK LUDWICK,

Respondent.

/

**ORDER DENYING MOTION FOR CERTIFICATE OF APPEALABILITY (docket no. 16)**

This matter comes before the Court on Petitioner's motion for a certificate of appealability, which he seeks in order to pursue his appeal of the Court's order of October 30, 2009 accepting and adopting without objection the Report and Recommendation of Magistrate Judge Scheer dated March 31, 2009.

The petitioner failed to file timely objections to the report and recommendation, and, under Sixth Circuit precedent, any appellate review of the decision to dismiss the petition was thereby waived. See *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). Petitioner's motion for a certificate of appealability (docket number 16) is therefore

**DENIED.**

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: January 6, 2010

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 6, 2010, by electronic and/or ordinary mail.

Alissa Greer  
Case Manager